

Exhibit 15

Declaration of Kevin Hamm
(Jul. 17, 2023)

Constance Van Kley
Rylee Sommers-Flanagan
Niki Zupanic
Upper Seven Law
P.O. Box 31
Helena, MT 59624
(406) 306-0330
constance@uppersevenlaw.com
rylee@uppersevenlaw.com
niki@uppersevenlaw.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT, DISTRICT OF MONTANA
BUTTE DIVISION

THE IMPERIAL SOVEREIGN COURT
OF THE STATE OF MONTANA; ADRIA
JAWORT; RACHEL CORCORAN;
MONTANA BOOK COMPANY; IMAGINE
BREWING COMPANY, LLC d/b/a
IMAGINE NATION BREWING
COMPANY; BUMBLEBEE AERIAL
FITNESS; MONTANA PRIDE; THE
WESTERN MONTANA COMMUNITY
CENTER; THE GREAT FALLS LGBTQ+
CENTER; THE ROXY THEATER; and
THE MYRNA LOY,

Plaintiffs,

vs.

AUSTIN KNUDSEN; ELSIE ARNTZEN;
J.P. GALLAGHER; and THE CITY OF
HELENA,

Defendants.

Cause No. CV 22-50-BU-
BMM

Declaration of Kevin Hamm

I, Kevin Hamm, declare as follows:

1. I am over the age of eighteen years, am competent to testify as to the matters set forth herein, and I make this declaration based upon my personal knowledge and belief.
2. I am a resident of East Helena, Montana.
3. I am the founder and president of the board of directors of the Happiness & Joy Foundation, a domestic nonprofit corporation created in 2014 and headquartered in Helena, Montana.
4. The Happiness & Joy Foundation organizes Montana Pride, Montana's annual statewide Pride celebration. I have been the chief organizer of Montana Pride since 2014.
5. Montana Pride is commemorating 30 years of Pride celebrations in Montana this year.
6. Montana Pride celebrates LGBTQ+ pride, acceptance, rights, and achievements. Montana Pride is intended to be a safe space for all individuals, especially those of the LGBTQ+ community.
7. Montana Pride is an all-ages celebration, with events designed to be accessible for anyone who wishes to attend. Events are age-

appropriate, and hosts are deliberate in ensuring the safety of all individuals participating or attending.

8. Montana Pride showcases several forms of entertainment and community-centered events, including drag shows, a parade, artisan markets, local business booths, a rally, and educational events.
9. Educational events that will be featured this year include an Intersex Q&A, a Death Doula event, and Queer Collaging.
10. With more than 15,000 attendees from across the state and country, Montana Pride is the largest Pride event in Montana, a significant tourist attraction, and an economic boon for the Helena region.
11. Montana Pride events are held at a variety of small businesses, in public parks, on public streets, and at other venues throughout Helena, over the course of several days.
12. This year's Montana Pride events are scheduled to begin on July 30, 2023, and end on August 6, 2023.
13. On June 30, 2023, I applied to the City of Helena for the permits necessary for several Montana Pride events to be held on city

property. I resubmitted these applications on July 13, 2023. A true and accurate copy of the applications are attached as Exhibits A and B to this declaration.

14. On July 13, 2023, I met with the City Manager, City Attorney, and other staff of the City of Helena. I was informed that the City of Helena would not issue the requested permits while HB 359 remained in effect and enforceable.
15. The Last Chance Gulch event permits I applied for this year are functionally identical to the permits the City of Helena approved last year.
16. HB 359 appears to prohibit even the partial exposure of prosthetic or natural breasts and buttocks on public property. People regularly expose these portions of the body in many public places, such as public swimming areas.
17. Montana Pride participants regularly wear costumes to celebrate and, because Montana Pride is held in the summertime, many attendees regularly wear clothing that partially exposes breasts and buttocks.

18. As the chief organizer of the Montana Pride events, I am concerned personally about civil and criminal liability under HB 359 and do not know how to limit such liability effectively. I cannot force thousands of attendees to comply with a state-sanctioned dress code.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 17th day of July, 2023, in Helena, Montana.



Kevin Hamm

Exhibit A



City of Helena

City of Helena Special Events Permit Form

The City's online Special Events Permit Application does not have the ability to be saved. Once you start the application, you must complete the form or your work will be lost. Before starting the application please be sure you have:

- Proof of Insurance
- Traffic Control Plan (If your event will be closing a street)
- Emergency Evacuation Plan (If your event's attendees exceeds 250 people)

City code requires all special events, including block parties, acquire special event insurance. The Montana Municipal Interlocal Authority (MMIA) has resources to help residents find insurance providers for their event. More information can be found at the [MMIA Special Events Coverage Page](#).

Acknowledge

Event Coordinator: 225 N Cruse Avenue, Suite B, Helena, MT 59601

Phone: (406) 447-8422

Email: specialevents@helenamt.gov

Deadlines	
Requirement	Time Before Event Begin Date (Days)
Special Event Permit Application	30 Days
Alcohol Permit	30 Days
Traffic Control Requests	14 Days

▼ Event

Event Information

Event Name

Montana Pride Banned Brunch

Application Date

7/13/2023

Event Type

Estimated Number of Attendees

Other	400		
Drag Show and Street Brunch			
A Noise Ordinance Permit is required for an event of this size. The Noise Ordinance Permit is appended to the bottom of this form.			
Due to the size of your event a member of the Helena Police Department will be in contact regarding event security details.			
Due to the size of your event an Emergency Evacuation Plan is required.			
<hr/>			
Event Coordinator Information (Person in Charge of the Event)			
Name	Email		
Kevin Hamm	k@montanapride.org		
Cell Phone	Work Phone		
406-417-0070			
Address	Address 2		
7 W 6th Ave, Ste 3D	Helena, MT 59601		
<hr/>			
Date / Time Information			
Does the Event Span Multiple Days?			
<input checked="" type="radio"/> No	<input type="radio"/> Yes		
Event Date	Start Time	End Time	
7/30/2023	8:00 AM	4:00 PM	
Event Start Date	Event End Date	Start Time	End Time
	8/5/2023	8:00 AM	2:00 AM
<hr/>			
Event Date	Start Time	End Time	
7/30/2023	8:00 AM	4:00 PM	

Other Event Information

Proof of Insurance

Insurance Placeholder for permit
app.pdf

Insurance requirements can be found in
the City Code §7-9-5

Will your event contain alcohol?

Yes No

An alcohol permit is required with this
application (alcohol permit is included on
this form).

Will your event take place on the
walking mall?

Yes No

Barricades are required for parades on
the walking mall.

Will your event take place on a
public park?

Yes No

Events taking place on a public park
require a different application process.
Please contact Heather Kahler at (406)
447-8463

Though not required, the City of
Helena encourages recycling when
possible. Will recycling be provided
at this event?

Yes No

Event Security Information

Are you seeking police presence for
your event?

Yes No

City of Helena Police Agreement

Location / Traffic Control Information

Traffic control plans should adhere to the following:

- 20 ft. of unobstructed width must remain clear at all times for emergency traffic.
- All signage shall comply with the Manual on Uniform Traffic Control Devices (MUTCD) and any City, County, or State requirements.
- Traffic control plans should contain a vicinity map which denotes the entire area impacted by the event.
- Traffic control plans should include details for event wayfinding. Using these principles will help create good wayfinding.

- Create an identity at each location.
- Use landmarks to provide orientation clues.
- Create well-structured paths.
- Create regions of differing visual character.
- Don't give the user too many navigational choices.
- Traffic control plans should show traffic flow by arrows indicating direction and any deviations.
- Traffic control plans should show event access, staging areas, and parking accommodations.
- Traffic control plans should show pedestrian access plans including disabled accessibility.
- Traffic control plans should show emergency access points.
- Traffic control plans should denote the roadways or pedestrian facilities to be closed and where they will be closed.
- Traffic control plans should denote where road closed barricades will be, and the location of advanced warning signs and any other required signs.

Will the event require street closures?

Yes No

Location of Event

Banned Brunch at Front Street

Street Requiring Closure

Front Street between 13th & 14th

Interactive Map

Area Map

x_____xpigIY1ZmA...
0a2e-11ee-a27d-
0a747911150b.pdf

Traffic Control Plan

x_____xpigIY1ZmA...
0a2e-11ee-a27d-
0a747911150b.pdf

Emergency Evacuation Plan

x_____xpigIY1ZmA...
0a2e-11ee-a27d-
0a747911150b.pdf

▼ Alcohol Permit

Alcohol Permit

General Questions

Are you a licensed establishment permitted to sell alcohol?
 Are you allowing consumption of alcohol as the "host"?

What is your plan for clearly designating areas where alcohol consumption is permitted? Please detail all containment and signs you plan to use?

The street ends will have road signs blocking, with signage on the inside notifying people of the open container space. The bars will be provided by downtown establishments using their catering licenses to sell into the area.

General Guidelines

When approved, this portion of the document will be your permit. Keep this document available to present if needed.

Event Sponsors must ensure that participants are checked for legal age if served alcohol.

Insurance Requirements

The permit holder must indemnify, defend, and hold the City and its employees and agents harmless against all claims, liability, loss, damage, or expense incurred by the City due to any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the permit, prior to the permit being issued, applicant must provide proof of applicant's liability insurance issued by a reliable company or companies for personal injury and property damage, and which includes alcohol liability coverage, in an amount not less than one million dollars (\$1,000,000.00) per occurrence and two million dollars (\$2,000,000.00) aggregate per year for bodily injury, personal injury, and property damage, with the City named as an additional insured. (Ord. 3252, §5-20-2019).

Acknowledgements

I have read & understand Helena City Code Title 7, Chapter 14 and conditions regarding the consumption of alcohol on public right of way.

I have read & understand Helena City Code §5-7-3 regarding the limitation of noise in City limits If noise is expected to exceed allowable limits, I understand a Noise Permit is required.

I have read & understand Helena City Code §7-14 regarding Insurance and Indemnification requirements: The permit holder must indemnify, defend, and hold the City and its employees and agents harmless against all claims, liability, loss, damage, or expense incurred by the City due to any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the permit, prior to the permit being issued, applicant must provide proof of applicant's liability insurance issued by a reliable company or companies for personal injury and property damage, and which includes alcohol liability coverage, in an amount not less than one million dollars (\$1,000,000.00) per occurrence and two million dollars (\$2,000,000.00) aggregate per year for bodily injury, personal injury, and property damage, with the City named as an additional insured.

I have received, read and agree to the alcohol requirements set forth by the City of Helena and applicable state requirements.

A handwritten signature in black ink, appearing to read "John Doe".

▼ Noise Permit

Noise Permit

Noise permits are required for any project, special event, parade or party with noise that exceeds sound limits stated in the ordinance below. This includes parties on private or public property with or without amplified music that exceeds dB limits.

District / Zones	Limitations: 6:00AM - 11:00PM	Limitations: 11:00PM - 6:00AM
Residential	55 dB (A)	50 dB (A)
Commercial	60 dB (A)	55 dB (A)
Industrial	80 dB (A)	75 dB (A)

Does your event contain any of the following

- Horns, Signaling Devices
- Sound Amplifying Equipment
- Loud Speakers, Amplifiers for Commercial Purposes
- Yelling or Shouting
- Animals
- Exhausts
- Defect in Vehicle
- Loading, Unloading, Opening Containers
- Construction Projects or Repair of Buildings
- Fireworks & Explosives

I have read & understand Helena City Code §5-7-2 and §5-7-3 regarding the limitation of noise in City limits. If noise is expected to exceed allowable limits, I understand a Noise Permit is required.

Noise Ordinance Permit Signature



▼ System Use [Please Do Not Alter Anything In This Section]

Event Start Date Variable Field

7/30/2023

▼ Contact Information

Contact Information

Department	Phone Number	Contact Reason
Police Department	(406) 447-8479	Event Security Detail
Transportation Systems	(406) 447-1566	Traffic Control Plan & Area Map
Fire Department	(406) 447-8472	EMS Services, Fire Code Information
Parking Division	(406) 447-8420	Parking Permits, Parking Logistics

▼ Acknowledgement

I acknowledge that I have received, read, and agree to follow above City of Helena Special Event Policies when holding the requested event. My signature below indicates my knowledge of the rules contained in the City of Helena Special Event Guidelines and Policies, that I have authority to legally bind any organization I represent with regard to this application, and that I /my organization agree(s) to comply with said rules.

Application Signature



▼ Director Approval Step

Comments

Insurance to come.

Digitally Signed (email verified)

 Kammi McClain

Jul 13, 2023

_bJIXYCGQEe686LI1wMKIvg

Exhibit B



City of Helena

City of Helena Special Events Permit Form

The City's online Special Events Permit Application does not have the ability to be saved. Once you start the application, you must complete the form or your work will be lost. Before starting the application please be sure you have:

- Proof of Insurance
- Traffic Control Plan (If your event will be closing a street)
- Emergency Evacuation Plan (If your event's attendees exceeds 250 people)

City code requires all special events, including block parties, acquire special event insurance. The Montana Municipal Interlocal Authority (MMIA) has resources to help residents find insurance providers for their event. More information can be found at the [MMIA Special Events Coverage Page](#).

Acknowledge

Event Coordinator: 225 N Cruse Avenue, Suite B, Helena, MT 59601

Phone: (406) 447-8422

Email: specialevents@helenamt.gov

Deadlines	
Requirement	Time Before Event Begin Date (Days)
Special Event Permit Application	30 Days
Alcohol Permit	30 Days
Traffic Control Requests	14 Days

▼ Event

Event Information

Event Name

Montana Pride

Application Date

7/13/2023

Event Type

Estimated Number of Attendees

BlockParty

5000

A Noise Ordinance Permit is required for an event of this size. The Noise Ordinance Permit is appended to the bottom of this form.

Due to the size of your event a member of the Helena Police Department will be in contact regarding event security details.

Due to the size of your event an Emergency Evacuation Plan is required.

Event Coordinator Information (Person in Charge of the Event)

Name

Kevin Hamm

Email

k@montanapride.org

Cell Phone

4064170070

Work Phone

Address

7 W 6th Ave, Ste 3d

Address 2

Helena, MT 59601

Date / Time Information

Does the Event Span Multiple Days?

 No

 Yes

Event Date

Start Time

End Time

Event Start Date

7/30/2023

Event End Date

8/5/2023

Start Time

8:00 AM

End Time

11:59 PM

Location 1

Event Date

7/30/2023

Start Time

8:00 AM

End Time

4:00 PM

Location 2

Event Date	Start Time	End Time
8/5/2023	8:00 AM	2:00 AM

Other Event Information

Proof of Insurance

event descriptions for permits signed
copy.pdf

Insurance requirements can be found in
the City Code §7-9-5

Will your event contain alcohol?

Yes No

An alcohol permit is required with this
application (alcohol permit is included on
this form).

Will your event take place on the
walking mall?

Yes No

Barricades are required for parades on
the walking mall.

Will your event take place on a
public park?

Yes No

Events taking place on a public park
require a different application process.
Please contact Heather Kahler at (406)
447-8463

Though not required, the City of
Helena encourages recycling when
possible. Will recycling be provided
at this event?

Yes No

Event Security Information

Are you seeking police presence for
your event?

Yes No

City of Helena Police Agreement
event descriptions for
permits signed
copy.pdf

Location / Traffic Control Information

Traffic control plans should adhere to the following:

- 20 ft. of unobstructed width must remain clear at all times for emergency traffic.

- All signage shall comply with the Manual on Uniform Traffic Control Devices (MUTCD) and any City, County, or State requirements.
- Traffic control plans should contain a vicinity map which denotes the entire area impacted by the event.
- Traffic control plans should include details for event wayfinding. Using these principles will help create good wayfinding.
 - Create an identity at each location.
 - Use landmarks to provide orientation clues.
 - Create well-structured paths.
 - Create regions of differing visual character.
 - Don't give the user too many navigational choices.
- Traffic control plans should show traffic flow by arrows indicating direction and any deviations.
- Traffic control plans should show event access, staging areas, and parking accommodations.
- Traffic control plans should show pedestrian access plans including disabled accessibility.
- Traffic control plans should show emergency access points.
- Traffic control plans should denote the roadways or pedestrian facilities to be closed and where they will be closed.
- Traffic control plans should denote where road closed barricades will be, and the location of advanced warning signs and any other required signs.

Will the event require street closures?

Yes No

Location of Event

Last Chance Gulch

Street Requiring Closure

Last Chance Gulch & 6th Ave

Interactive Map

Area Map

event descriptions for
permits signed
copy.pdf

Traffic Control Plan

event descriptions for
permits signed
copy.pdf

Emergency Evacuation Plan

event descriptions for
permits signed
copy.pdf

▼ Alcohol Permit

Alcohol Permit

General Questions

Are you a licensed establishment permitted to sell alcohol?

Are you allowing consumption of alcohol as the "host"?

What is your plan for clearly designating areas where alcohol consumption is permitted? Please detail all containment and signs you plan to use?

for the drag brunch it's the street signs, for the weekend of the parade, we're asking for the downtown to be declared for the weekend per our pdf.

General Guidelines

When approved, this portion of the document will be your permit. Keep this document available to present if needed.

Event Sponsors must ensure that participants are checked for legal age if served alcohol.

Insurance Requirements

The permit holder must indemnify, defend, and hold the City and its employees and agents harmless against all claims, liability, loss, damage, or expense incurred by the City due to any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the permit, prior to the permit being issued, applicant must provide proof of applicant's liability insurance issued by a reliable company or companies for personal injury and property damage, and which includes alcohol liability coverage, in an amount not less than one million dollars (\$1,000,000.00) per occurrence and two million dollars (\$2,000,000.00) aggregate per year for bodily injury, personal injury, and property damage, with the City named as an additional insured. (Ord. 3252, §5-20-2019).

Acknowledgements

I have read & understand Helena City Code Title 7, Chapter 14 and conditions regarding the consumption of alcohol on public right of way.

I have read & understand Helena City Code §5-7-3 regarding the limitation of noise in City limits If noise is expected to exceed allowable limits, I understand a Noise Permit is required.

I have read & understand Helena City Code §7-14 regarding Insurance and Indemnification requirements: The permit holder must indemnify, defend, and hold the City and its employees and agents harmless against all claims, liability, loss, damage, or expense incurred by the City due to any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the permit, prior to the permit being issued, applicant must provide proof of applicant's liability insurance issued by a reliable company or companies for personal injury and property damage, and which includes alcohol liability coverage, in an amount not less than one million dollars (\$1,000,000.00) per occurrence and two million dollars (\$2,000,000.00) aggregate per year for bodily injury, personal injury, and property damage, with the City named as an additional insured.

I have received, read and agree to the alcohol requirements set forth by the City of Helena and applicable state requirements.



▼ Noise Permit

Noise Permit

Noise permits are required for any project, special event, parade or party with noise that exceeds sound limits stated in the ordinance below. This includes parties on private or public property with or without amplified music that exceeds dB limits.

District / Zones	Limitations: 6:00AM - 11:00PM	Limitations: 11:00PM - 6:00AM
Residential	55 dB (A)	50 dB (A)
Commercial	60 dB (A)	55 dB (A)
Industrial	80 dB (A)	75 dB (A)

Does your event contain any of the following

- Horns, Signaling Devices
- Sound Amplifying Equipment
- Loud Speakers, Amplifiers for Commercial Purposes
- Yelling or Shouting
- Animals
- Exhausts
- Defect in Vehicle
- Loading, Unloading, Opening Containers
- Construction Projects or Repair of Buildings
- Fireworks & Explosives

I have read & understand Helena City Code §5-7-2 and §5-7-3 regarding the limitation of noise in City limits. If noise is expected to exceed allowable limits, I understand a Noise Permit is required.

Noise Ordinance Permit Signature



▼ System Use [Please Do Not Alter Anything In This Section]

Event Start Date Variable Field

7/30/2023

▼ Contact Information

Contact Information		
Department	Phone Number	Contact Reason
Police Department	(406) 447-8479	Event Security Detail
Transportation Systems	(406) 447-1566	Traffic Control Plan & Area Map
Fire Department	(406) 447-8472	EMS Services, Fire Code Information
Parking Division	(406) 447-8420	Parking Permits, Parking Logistics

▼ Acknowledgement

I acknowledge that I have received, read, and agree to follow above City of Helena Special Event Policies when holding the requested event. My signature below indicates my knowledge of the rules contained in the City of Helena Special Event Guidelines and Policies, that I have authority to legally bind any organization I represent with regard to this application, and that I /my organization agree(s) to comply with said rules.

Application Signature



▼ Director Approval Step

Comments

Insurance to come.

Digitally Signed (email verified)

 Kammi McClain

Jul 13, 2023

_VZ4CkCGQEe686LI1wMKIvg